

CLERKS OFFICE US DISTRICT COURT
AT ABINGDON, VA
FILED

October 4, 2024

LAURA A. AUSTIN, CLERK

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Mary Lynn Tate

October 4, 2024

via email

The Honorable James P. Jones
104 Federal Building & United States Court House
180 West Main Street
Abingdon, Virginia, 24210

Re: Kira Ferguson and Shannon Ferguson v Susan Doonan Blackwell
1:23 cv 00032 JPJ-PMS

Dear Judge Jones:

On October 3, 2024, the Ferguson heirs, the beneficiaries in the above matter, and Thomas M. Jackson as Petitioners filed a Petition for Review of the Clerk's decision that Mr. Jackson's qualification under Va. Code 8.01-50 was void in the Circuit Court of Wythe County. The Petition seeks alternative relief including reassignment, substitution, removal or other action that insures these beneficiaries receive their day in Court on the claims in the above matter. The Petition page 1 is attached for verification of filing. That Court has not yet scheduled a hearing on this Petition.

Under these circumstances, we respectfully request a stay of this matter pending the Circuit Court's determination regarding the personal representative.

Because the defendant's current motion to dismiss for failure to state a claim under Rule 12(b)(6) is set for oral argument on October 9, we ask that the Court proceed with that hearing and decision but otherwise stay this matter pending the ruling of the Circuit Court of Wythe County.

Sincerely,


s. **Mary Lynn Tate**

cc:: Stewart Pollock, Esq.
Felicia Clark